

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

04 12028 RGS

ALFOUSSEINY KELLY,
Plaintiff,

v.

MARCHE MOVENPICK, RICHTREE
U.S.A., IGOR REICHERT, HOLGER
MAMMEN, LIZA KASTROM,
MARTINE THOMAS, ELIE
GHORAYEB,
Defendants.

Civil Action No. _____

RECEIPT # 58812
AMOUNT \$ 50
SUMMONS ISSUED ☒
LOCAL RULE 4.1 ☒
WAIVER FORM ☒
MCF ISSUED ☒
BY DPTY. CLK. ☒
DATE 9/20/04

NOTICE OF REMOVAL

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS:

PLEASE TAKE NOTICE the Defendants, Marche Movenpick and Richtree U.S.A.,
hereby serve notice of removal of the above-entitled action to this Court and make the following
showing in support of such removal:

PLEADINGS AND PROCEEDINGS TO DATE

1. On or about June 4, 2004, an action was commenced in the Suffolk Superior
Court of the Commonwealth of Massachusetts, entitled Alfousseiny Kelly v. Marche Movenpick,
Richtree U.S.A., Igor Reichert, Holger Mammen, Liza Kastrom, Martine Thomas, Elie
Ghorayeb, Civil Action No. 04-2461, by the filing of a Summons and Complaint, copies of
which are attached hereto as Exhibit A.

2. The first date upon which the Defendants received a copy of said Complaint was August 20, 2004. The foregoing Summons and Complaint and the Tracking Order and Civil Action Cover Sheet constitute all the process, pleadings, and orders received by the Defendants to date.

3. The Complaint appears to allege that the defendants discriminated against the plaintiff on the basis of his national origin and/or race.

4. The Plaintiff is a resident of the Commonwealth of Massachusetts.

5. Richtree Markets Boston, LLC and Richtree U.S. Inc.¹ are incorporated in the state of Delaware.

6. Upon information and belief, the individual Defendants in this matter, Igor Reichert, Holger Mammen, Liza Kastrom, Martine Thomas and Elie Ghorayeb are not residents of the Commonwealth of Massachusetts.

7. There is diversity between the parties and the amount in controversy exceeds the sum of \$75,000.

8. The United States District Court for the District of Massachusetts would have jurisdiction over this claim pursuant to 28 U.S.C. § 1332. Accordingly, the action is removable to this Court under 28 U.S.C. § 1441.

9 Defendants are providing notice to the Suffolk Superior Court and Plaintiff of this Notice of Removal in the form attached hereto as Exhibit B.

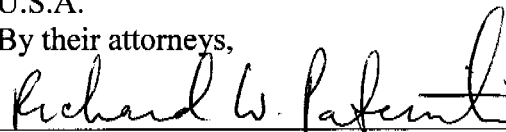
¹ The proper name of Plaintiff's former employer is Richtree Markets Boston, LLC and the operating member of that corporation is Richtree U.S. Inc. As such, Plaintiff has incorrectly identified these entities as Marche Movenpick and Richtree U.S.A.

WHEREFORE, Defendants pray that the above action pending against it in the Suffolk Superior Court, Commonwealth of Massachusetts Civil Action No. 04-2461, be removed therefrom to this Court.

Respectfully submitted,

MARCHE MOVENPICK AND RICHTREE
U.S.A.

By their attorneys,

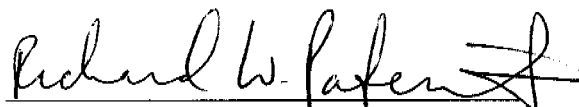


Andrew C. Pickett, BBO #549872
Richard W. Paterniti, BBO#645170
Jackson Lewis LLP
75 Park Plaza
Boston, MA 02116
(617) 367-0025

September 20, 2004

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2004, a copy of the foregoing was delivered by first class mail to Robert M. Warren, 11 Green Street, Jamaica Plain, MA 02130.



Jackson Lewis LLP

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